

1 Your Name: Oliver D. Smith
2 Address: 7 Aldenham Road, Radlett WD7 8AU
3 Phone Number: + 44 07769 176821
4 Fax Number: N/A
5 E-mail Address: oliveratlantis@gmail.com
6 Pro Se Plaintiff

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FEB 07 2024 (3)

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

N/C 7
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9
10
11 Oliver D. Smith

CV 24

Case Number

[leave blank]

0727

AGT

13 Plaintiff,

14 vs.

15 Substack Inc.

16 John Doe

19 Defendant.

COMPLAINT

DEMAND FOR JURY TRIAL

Yes No

PARTIES

22 1. Plaintiff. [Write your name, address, and phone number. Add a page for additional
plaintiffs.]

23 Name: Oliver D. Smith

24 Address: 7 Aldenham Road, Radlett, Hertfordshire WD7 8AU England

25 Telephone: +44 07769 176821

COMPLAINT

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1 2. Defendants. [Write each defendant's full name, address, and phone number.]

2 Defendant 1:

3 Name: Substack Inc.

4 Address: 11 Sutter St 7th Floor San Francisco, CA 94104 United States

5 Telephone: (571) 730-9882

7 Defendant 2:

8 Name: John Doe

9 Address: Unknown

10 Telephone: Unknown

12 Defendant 3:

13 Name:

14 Address:

15 Telephone:

17 JURISDICTION

18 [Usually only two types of cases can be filed in federal court, cases involving "federal questions" and cases involving "diversity of citizenship." Check at least one box.]

19 3. My case belongs in federal court

20 under federal question jurisdiction because it involves a federal law or right.

21 [Which federal law or right is involved?] _____

23 under diversity jurisdiction because none of the plaintiffs live in the same state as any of the defendants and the amount of damages is more than \$75,000.

COMPLAINT

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VENUE

[The counties in this District are: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo, or Sonoma. If one of the venue options below applies to your case, this District Court is the correct place to file your lawsuit. Check the box for each venue option that applies.]

4. Venue is appropriate in this Court because:

- a substantial part of the events I am suing about happened in this district.
- a substantial part of the property I am suing about is located in this district.
- I am suing the U.S. government, federal agency, or federal official in his or her official capacity and I live in this district.
- at least one defendant is located in this District and any other defendants are located in California.

INTRADISTRICT ASSIGNMENT

[This District has three divisions: (1) San Francisco/Oakland (2) San Jose; and (3) Eureka. First write in the county in which the events you are suing about happened, and then match it to the correct division. The San Francisco/Oakland division covers Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Sonoma counties. The San Jose division covers Monterey, San Benito, Santa Clara, Santa Cruz counties. The Eureka division covers Del Norte, Humboldt, Lake, Mendocino counties, only if all parties consent to a magistrate judge.]

5. Because this lawsuit arose in San Francisco County, it should be assigned to the San Francisco/Oakland Division of this Court.

STATEMENT OF FACTS

[Write a short and simple description of the facts of your case. Include basic details such as where the events happened, when things happened and who was involved. Put each fact into a separate, numbered paragraph, starting with paragraph number 6. Use more pages as needed.]

6 Substack Inc. is a company which provides an online platform of subscription newsletters and blogging, whose office and mailing address is located in San Francisco. On June 17, 2023, plaintiff Oliver Smith ("OS") was threatened and blackmailed on social media by the owner of an anonymous Substack blog/newsletter Cancel Watch ("CW"). On July 5, 2023 CW (on substack.com) published a lengthy defamatory post about OS.

COMPLAINT

1 7 The defamatory post was edited on July 7 and July 11 to add more false and
2 libellous statements about the plaintiff. The opening line of the post was changed from
3 "Oliver D. Smith is a British armchair academic" to "Oliver D. Smith is a British internet
4 stalker". The latter is a false statement of fact, written with malice. OS is not a "stalker".
5 The opening line was evidently changed to further cause harm to the plaintiff's reputation.

6 8 CW's post is more than 9000 words and contains dozens of untrue, misleading
7 and defamatory statements/claims about OS. These include false accusations OS "was
8 an active member of Stormfront" and "proponent of ideas that were typical of neo-Nazism".
9 OS has never been a member of the forum stormfront.org nor has ever supported Nazism.
10 The post also falsely states OS has "contribut[ed] to white supremacist forums" (plural).

11 9 CW's post falsely states OS denied the Holocaust in 2006 and further links
12 to a comment he did not write. Sources attempting to link OS to this comment are dubious.
13 CW's post grossly mischaracterizes OS and largely invents his digital footprint and actions.
14 The post falsely and maliciously accuses OS of having "canceled" the careers of multiple
15 academics it describes as intelligence researchers and scholars in behavioral genetics.

16 10 CW's post incorrectly states OS created Bo Winegard's RationalWiki page and
17 suggests he was responsible for loosing him his job. Aside from the fact he was not sacked
18 (his tenure was not renewed), OS never created Bo Winegard's article on RationalWiki nor
19 sent an email complaint to his employer. The same post makes a similar claim for another
20 scholar (Noah Carl) which is completely unfounded. OS never contacted Carl's employer.

21 11 CW's post falsely states OS created Emily Willoughby's RationalWiki article
22 and insinuates he was responsible for her losing an award. Neither of these claims are true.
23 CW repeats harmful accusations (without any basis in fact) that OS has targeted scholars
24 and fired them from their employers. These accusations are defamatory per se. OS is not
25 responsible for what he has falsely and maliciously been accused of by the author of CW.

26 //

27 //

28 COMPLAINT

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1 *[Copy this page and insert it where you need additional space.]*

2 12. OS received abuse by the email used to create the CW on substack.com. The
3 email address is cancel.watch.account@proton.me. One abusive email received described
4 OS as having "no meaningful life" and a "pathetic existence". The email is demonstrably
5 the same email used to create CW on substack.com because the email appears on CW at
6 the following webpage: cancelwatch.substack.com/about. OS reported CW's social media
7 account on X and their email address to Proton Mail for harassment on June 26 & 29 2023.

8 13. The blackmail OS received were threats telling him if he did not delete certain
9 articles on RationalWiki ("RW") his life would be ruined. OS has not been an admin on RW
10 since 2019 and has not made edits there since late 2020. Therefore he could not delete the
11 articles requested (Emily Willoughby, Noah Carl, Emil O. W. Kirkegaard and Bo Winegard).
12 CW threatened OS throughout June 2023 with the publication of "a massively embarrassing
13 article with millions of readers" and the CW post if he did not delete the four articles on RW.

14 14. OS on June 27, 2023 reported the blackmail and harassment to the local police
15 where he lives (Hertfordshire Constabulary) who in July provided him with a crime reference
16 number. OS was informed by Proton Mail that they had disabled CW's email for breaking
17 their terms of service after evidence was presented they were engaging in criminal activity.
18 Proton Mail disabled CW's email on August 4 2023. CW deleted their account on X after
19 realising it would have been suspended. Their X account (@watch_cancel) is now blank.

20 15. OS continues to be harassed by CW after the CW post was published. The
21 author CW on Substack has tried to maximise harm to OS's reputation by duplicating their
22 post (so it appears on multiple URLs on search engines). At least three URLs are known
23 to have existed on substack.com, although only one of these remains live on the internet:
24 cancelwatch.substack.com/p/oliver-d-smith-299 (OS has screenshots of the deleted URLs).
25 CW had further posted links of these URLs on social media (such as X) before deletion.

26 16. In July and August 2023, OS's father's employer was emailed the CW post
27 and more defamation about OS by another Proton Mail account linked to CW. OS's father
28 was also emailed the CW post and threats. OS's family continue to be targeted in this way.

COMPLAINT

1 [Copy this page and insert it where you need additional space.]

2 17. A third Proton Mail account linked to CW sent death threats to OS, as well as
3 hate mail to his address on August 14, 2023. OS has passed on these threats to the police.
4 OS was advised by the police to complain to substack.com about CW since CW breaches
5 their terms of use (content guidelines: "Substack cannot be used to publish content or fund
6 initiatives that incite violence..." and "we don't allow content that promotes harmful or illegal
7 activities"; substack.com/content). OS therefore filed complaints about CW to Substack Inc.

8 18. OS emailed complaints about CW breaking Substack's terms of use with clear
9 evidence more than a dozen times but no action was taken by Substack who failed to even
10 respond appropriately to OS's reports. Despite the email used to register CW was disabled
11 by Proton Mail for illegal activity including blackmail and OS provided this proof in his many
12 complaints to Substack - CW has still been left online and Substack has failed to remove it.
13 This failure of removal has led OS and his family to be constantly harassed and threatened.

14 19. OS outlined evidence for content violation on CW many times to Substack but
15 they never investigated or responded to his complaints filed in July, August and September
16 - OS sent his complaints to tos@substackinc.com as well as filed reports for terms of use
17 violation online Substack (by filling in a form and providing evidence) at the below URL:
18 https://support.substack.com/hc/en-us/requests/new?ticket_form_id=360001921412
19 Substack never once followed up or responded to any of OS's complaints about CW.

20 20. OS has written multiple letters to Substack Inc but never received a response.
21 With reason, he considers Substack to have facilitated blackmail and death threats by not
22 following their own terms of use and removing CW which solely exists for harassment. OS
23 sent a final letter to Substack's mailing address on October 23, 2023. No response was
24 received. OS has sent a letter before action to Substack Inc but did not get a response.
25 OS has given up trying to contact Substack and now will proceed to sue them for damages.

26 21. The owner/author of CW is unknown and is a John Doe. CW is anonymous
27 and has used at least 3 pseudonyms on Proton Mail. CW's defamatory post about OS still
28 remains online and is abusing search-engine results to his name so disinformation shows.

COMPLAINT

Second Claim

(Name the law or right violated: California Civil Code §45 (defamation))

(Name the defendants who violated it: John Doe

25. The author of CW and the defamatory post about OS is anonymous and John Doe. The plaintiff's (OS's) claim against John Doe is defamation; the libellous post contains dozens of untrue statements of fact about the plaintiff which are harmful and are abusing search-engine results to his real name. Most of these statements are defamatory per se.

26. Defamatory statements in the post include the description of OS as a "stalker" as being a "proponent of ideas that were typical of neo-Nazism", being a member of the website stormfront.org and having denied the Holocaust. The falsehoods are malicious and expose the plaintiff to hatred and contempt, and further they have damaged his reputation.

27. The post falsely accuses OS as having canceled academics from their jobs. These unfounded claims are defamatory and have resulted in the plaintiff receiving death threats and abuse online. OS is not responsible or involved in any academic losing their job nor has ever contacted a scholar's employer; he has absolutely no interest in doing so.

28. The post falsely accuses OS as having created Emily Willoughby and Bo Winegard's RationalWiki articles and has incited supporters or friends of those individuals to send OS abuse by email and on social media. OS never created these RW articles and has never tried to "cancel" either of these two scholars. He simply wants to be left alone.

29. The post falsely accuses OS of writing the following message: "I hope that Carl loses his job..." OS never wrote this comment nor does CW substantiate OS wrote it. This false accusation is defamatory. OS has never stated or supported Noah Carl losing his employment. CW is using spurious sources and made up allegations to smear OS.

— 8 —

COMPLAINT

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DEMAND FOR RELIEF

[State what you want the Court to do. Depending on your claims, you may ask the Court to award you money or order the defendant to do something or stop doing something. If you are asking for money, you can say how much you are asking for and why you should get that amount, or describe the different kinds of harm caused by the defendant.]

30. Plaintiff (OS) seeks \$1,000,000.00 (1 million) in compensatory damages by each plaintiff for emotional distress and suffering caused to plaintiff as well as deletion of the CW post. Plaintiff furthermore seeks unspecified punitive damages from Substack Inc.

DEMAND FOR JURY TRIAL

[Check this box if you want your case to be decided by a jury, instead of a judge, if allowed.]

Plaintiff demands a jury trial on all issues.

Respectfully submitted,

Date: 22/01/2024 Sign Name:

John

Print Name: Oliver D. Smith

COMPLAINT

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